IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2041 OF 2005
WITH
CRIMINAL WRIT PETITION NO.2042 OF 2005
WITH
CRIMINAL WRIT PETITION NO.2043 OF 2005
WITH
CRIMINAL WRIT PETITION NO.2044 OF 2005

Shri.Sameer K.Sagar ..Petitioner

State of Maharashtra & Anr. ...Respondents

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Mr.Vivek Kantawala i/b Mr.Vivek Kantawala
and Co. for Petitioner
Mr.Rajesh More A.P.P. for the State
in Cri.W.P.No.2041 of 2005
Mr.D.P.Adsule A.P.P. for the State
in Cri.W.P.No.2042 of 2005
Mr.S.R.Shinde A.P.P. for the State
in Cri.W.P.No.2043 of 2005
Mr.V.B.Konde-Deshmukh A.P.P. for the State
in Cri.W.P.No.2044 of 2005
Mr.S.V.Marwadi for Respondent no.2

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 2,2005

P.C.

1. Leave to amend granted. Amendment to be carried out forthwith.

2. Heard the learned advocate for the petitioner i.e. original accused no.4, the learned A.P.P. for the State and learned advocate for respondent

no.2-complainant.

3. The petitioner is seeking quashing of proceedings relating to Criminal Case Nos.1806/S/2000, 1807/S/2005, 1808/S/2005 and 1809/S/2005 pending before the Metropolitan Magistrate, 28th Court, Mumbai. The petitioner has been involved in the said cases as he was the partner of accused no.1 i.e. M/s. K.K.Enterprises.

4. Mr.Marwadi states that as the petitioner has admitted his liability as a partner of the firm and has discharged his liability to the extent of his share in the partnership, the complainant-respondent no.2 does not wish to continue with the prosecution in respect of the present petitioner. Looking to the fact that the complainant does not wish to continue with the prosecution against the present petitioner, I am inclined to quash the proceedings in respect of the present petitioner. Accordingly, the proceedings in respect of the petitioner relating to Criminal Case Nos.1806/S/2000, 1807/S/2005, 1808/S/2005 and

1809/S/2005 pending before the Metropolitan Magistrate, 28th Court, Mumbai, are quashed. It is made clear that the proceedings are quashed only in respect of the present petitioner and the proceedings in respect of other accused shall continue.

5. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]